

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one)

of Marshall

Local Law No. 4 of the year 2022

A local law Town of Marshall Animal Control Law
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one)

of Marshall as follows:

**See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2022 of the (County)(City)(Town)(Village) of Marshall was duly passed by the Town Board on July 12, 2022, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1 _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

(Seal)

Town of Marshall Animal Control Law

Article I: Control

§ 1-1: Purpose: The Purpose of this Local law is to protect the health, safety and general welfare of inhabitants, visitors, property and domestic animals of the Town of Marshall from dog-related nuisance, damage or injury, through the establishment and imposition of certain regulations, responsibilities and requirements.

§ 1-2: Authority: This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law of the State of New York, the Municipal Home Rule Law of the State of New York, and the General Municipal Law of the State of New York.

§ 1-3: Title: The title of this law shall be *Animal Control and Licensing Law of 2022* of the Town of Marshall.

§ 1-4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings.

- A. **Dog** – Any member of the species canis familiaris, regardless of age, breed, gender, or licensure status (licensed or unlicensed).
- B. **Owner** – The person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the animal control officer and a reasonable search has been made. If an animal is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the owner of such dog for the purpose of the chapter. In the event any dog found to be in violation of this article shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this article.
- C. **Town** - The Town of Marshall, County of Oneida, State of New York.
- D. **Run At Large**- To be in a public place, including but not limited to public walk ways such as sidewalks, public driveways, highways and streets, or on private land without the knowledge, consent and approval of the owners of such land or public property.
- E. **Animal Control Officer/Dog Warden**- Any individual authorized by the Oneida County Legislature or the Town Board of the Town of Marshall to assist in the enforcement of this article or the provisions of the Agriculture and Markets Law as the Dog Control Officer or Animal Control Officer.

§ 1-5 Prohibited Acts

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

A. Run at Large unless the dog is accompanied by its owner or a responsible person and under the full control of such person.

1. For purposes of this Local Law, a dog(s) hunting and in the company of a hunter(s) shall be considered under the control of the hunter(s) during activities related to hunting.

B. Engage in habitual howling, barking, crying or whining or conduct itself in such a manner as to reasonably and habitually disturb the comfort or repose or disrupt the peace of any person other than the owner of the dog.

C. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, upon the premises of a person other than the owner or person harboring such dog, or to jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

D. Cause damage or destruction to property, or publicly or private deposit waste or fecal matter, or to uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.

E. A female dog in heat shall not run at large or be off the owner's premises unrestrained and not under the owner's control.

- Establishment of the facts or facts that a dog has committed any of the acts prohibited by this subsection shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine or control his dog.

§ 1-6 Uniform appearance ticket and simplified information

Any Dog Control Officer, Animal Control Officer, Dog Warden, peace officer, or police officer in the employ of or under contract to the Town of Marshall or County of Oneida when acting pursuant to his special duties, may issue and serve process, a uniform appearance ticket, simplified information for such violation.

§ 1-6 Complaint of Violation

Any person who observes a violation of this article may file a signed complaint, under oath, with the Town of Marshall Dog Warden, a police agency with jurisdiction in the Town of Marshall, or the Justice of the Town of Marshall. The complaint should specify the nature of the violation, the date thereof, a description of the dog and the residence of the dog, if known, the name of the dog and the owner or other person harboring the dog.

§ 1-7 Summons

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said

dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

Article II: Licensing

§ 2-1 Licensing; fees and exemptions

A. **Applications.** Dog licenses must be purchased, in person or by mailing proof of a completed application, certificate of current rabies vaccination, and veterinary certificate of spay or neuter to the following to the Marshall Town Clerk's office.

B. No person shall own or possess a dog for a period of 30 days within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

C. All dogs harbored within the Town that are four months of age or older, unless otherwise exempted, shall be licensed on an annual basis, licensing fees and surcharges to be set forth herein and amended at the Town Board's discretion. No license shall be required for any dog that is under the age of four months and which is not at large.

- Dogs that are exempt from this time restraint are dogs residing at a pound, or a shelter maintained under contract with the Town, or at a duly licensed and incorporated humane shelter, dog protective association or SPCA, or otherwise exempted.

- Service, guide, hearing, therapy and/or detection dogs as defined in Article 7 of the New York State Agriculture and Markets Law shall be exempt from any local licensing laws and licensing fee upon proof by the owner of the dog's status as such.

A. **Rabies vaccination required.** All dogs in the Town of Marshall, which are over the age of four months, must maintain current rabies vaccinations or provide a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination will not be required. A current certificate of rabies vaccination must be presented at the time of initial licensing and for license renewal. Under no circumstances will a dog be granted a license without a current rabies vaccination certificate.

B. **Proof of spaying/Neutering.** Each license application shall be accompanied by a certificate of spaying or neutering if the owner is claiming the dog's gender has been altered, thereby entitling the owner to the appropriate fee for a spayed or neutered dog.

C. **Duration.** Dog licenses shall remain valid for a period of one year, expiring upon the last day of the 12th month of the license period. However, under no circumstances shall a license remain valid beyond the last day of the 11th month following the expiration of a current rabies certificate. Should a licensed dog's rabies vaccination expire while its issued license is current, said vaccination must be brought up-to-date within twenty-one business days of its due date. If same is not renewed, the license shall automatically expire and must be renewed with the Town Clerk upon proof of current rabies vaccination.

Licenses are not transferable and must be reapplied for with the change of dog ownership.

D. Renewal periods. The Town shall not establish common renewal dates for dog licensing and will review, grant and renew such licenses on a rolling basis upon application for License or license renewal by an owner. The renewal may be hand-delivered or mailed to the Town Clerk for processing, enclosing all appropriate fees. Dog owners are responsible for renewal of dog licenses. Failure to receive a renewal application from the Town will not exempt an owner from this responsibility. If a renewal application is not timely received, an owner must report the oversight to the Town Clerk, verify that owner's address and contact information is correctly filed with the Town Clerk and request the renewal application in person, by telephone, written or electronic correspondence.

E. Identification Tag

a) The dog license identification tag shall be affixed to the collar of the dog at all times or in the owner/handler's immediate possession.

§ Dogs participating in a dog show are not required to wear an identification tag during the show.

b) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.

§ **Tag replacement.** If a tag is lost or stolen, the dog's owner(s) must report it to the licensing authority as soon as possible. Replacement tags shall be issued at a replacement cost of \$5 per tag.

D. Fees. A nonrefundable licensing fee, to be utilized in the funding and administration of dog control in the Town of Marshall, shall be paid for each licensing term, regardless of whether such term shall terminate or expire prematurely, to the Town of Marshall as follows:

1. For each spayed and neutered dog: \$ 8, which includes the statutory one-dollar-per-year surcharge for the purpose of carrying out animal population control.

2. For each unsprayed and unneutered dog: \$18, which includes the statutory three-dollar-per-year surcharge for the purpose of carrying out animal population control.

3. There will not be distinct purebred licenses as previously provided for by the state. Any and all existing purebred licenses will now be required to comply with this article.

4. **Late Fees-** When a dog license is not timely renewed, a late fee shall be assessed in the amount of \$3 per month for each month following the month in which the license expired and must be paid along with the requisite licensing fees.

5. There will be no refund or proration of licensing fees.

5. The Town Board shall have the right to amend such licensing fees without amending this local law.

A. **Restrictions.** The Town of Marshall does not allow for the licensing of dogs by a shelter. All adoptive dog owners must apply for licenses with the Town Clerk. Shelters and breeders should instruct all adoptive owners to apply for licenses at the Town Clerk's office of the municipality in which they will harbor the adoptive dog.

B. Provisions herein shall be clarified and supplemented by New York Agriculture and Markets Law.

Article III -Penalties

§ 3-1 Penalties for offenses

1. An offense against any provision of this article shall be punishable as follows:
 - a. For a first offense, by a fine up to \$100.
 - b. For an offense committed within five years of a conviction for any offense under this article, by a fine up to \$250.
 - c. For an offense committed within five years of two earlier convictions for any offense under this article, a fine up to \$500.
2. The owner of the pet impounded for any reason will be responsible for the impound and shelter fee.
3. The impound fee and shelter expenses owed by the owner will be the same amount that the Town of Marshall is charged by the sheltering agency.

Article IV - Procedure of Seizure of Dogs

§ 4-1 The Animal or Dog Control Officer or any peace, police or law enforcement officer employed by or under contract with the Town of Marshall or Oneida County may seize any dog which he or she observes in violation of any provision of this section, pursuant to Agriculture and Markets Law Article 7, § 117.

Article V- Separability

§ 5-1 Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Article VI - Repeal

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Marshall.

Article VII- Effective Date

This Local Law shall be effective as of filing with the secretary of state.

